

Meeting #42 - December 5

The Madison County Planning Commission and the Madison County Board of Supervisors held a joint meeting on **December 5, 2018** at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
 Jonathon Weakley, Vice-Chairman
 Charlotte Hoffman, Member
 Amber Foster, Member
 Jack Hobbs, County Administrator
 Sean Gregg, County Attorney
 Betty Grayson, Zoning Administrator

ABSENT: Kevin McGhee, Member

Board members were present but did not participate during the Planning Commission portion of the session.

1. Call to order. Chairman Jackson called the Board of Supervisors portion of the meeting to order and declared that a quorum was present. Supervisor McGhee will be absent due to work-related matters.

Chairman Jackson advised that most of the items on tonight's Agenda are for discussion.

2. Approval of the Agenda

Supervisor Foster moved that tonight's Agenda be adopted as presented, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, Hoffman, Foster. Nay: (0). Absent: McGhee.*

Chairman Jackson suggested that the Madison County Board of Supervisors follow the direction of the Planning Commission and treat both of the following cases as 'one piece' with two (2) separate motions.

3. Action Items

*a. Case No. S-12-18-15:
 42-11*

Request by M. Andrew Gayheart and Marvin N. Jenkins for a plat of a subdivision of land to create four (4) lots. The lots will be served by a new 50-foot-wide ingress and Egress easement "A" on property identified as Tax Map 42-11. This property is located off Route 631 (off Leon Road) near Leon, zoned A-1.

*b. Case No. S-12-18-16
 431 and 42-11A*

Request by M. Andrew Gayheart and Marvin N. Jenkins for a plat of a subdivision of land to create three (3) lots that will be served by a new 50-foot-wide ingress and egress

easement "B" (TM43-1) and 42-11A (existing lot) will use easement "B" as the fourth lot. The 2.0032 acres (a portion of TM 43-1) and the 0.2085 of an acre (portion of TM42-11) will be added to the existing parcel of Kennedy (TM42-11A) as a boundary adjustment for a total acreage of 12.2117 acres. These properties are located off Route 631.

Chairman Jackson called for comments from the applicant(s):

Marvin N. Jenkins was present to represent the aforementioned cases. The final plat has VDOT and Health Department approval.

Chairman Jackson called for comments from the Board on tonight's cases.

With no comments being brought forth, Chairman Jackson then opened the floor to the public for comments on tonight's cases.

Supervisor Foster moved that Case No. S-12-18-15 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman. **Aye: Jackson, Weakley, Hoffman, Foster. Nay: (0). Absent: McGhee.**

Supervisor Weakley moved that Case No. S-12-18-16 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman. **Aye: Jackson, Weakley, Hoffman, Foster. Nay: (0). Absent: McGhee.**

Additional Items for Discussion:

Case No. SP-09-18-10: Request by Heinz D. or Heidrun E. Wieland for a site plan and soil and erosion plan for the construction of a road. The disturbed acreage for the road construction will be 11.3 acres. This property is located off Route 29 Southbound Lane and private Madison Plaza Drive and contains 34.675 acres of land near Madison, zoned Conditional Business, B-1.

The Madison County Board of Supervisors has received a letter of confirmation from VDOT along with an additional set of plans that show compliance with all VDOT specifications (email dated December 4, 2018).

Bill Gentry was present and advised that to the best of his knowledge, the aforementioned case was to be heard subject to VDOT concerns and storm water management issues. Additional comments focused on:

- Expectations and what the applicant can do in order to move the proposed request forward
- Whether the County would be considered as a stakeholder
- How these types of requests are handled in other localities
- Whether action will be taken by the Madison County Board of Supervisors based on input from DEQ
- Whether an economical and logical approach will be considered

- The fact that storm measures will be initiated for the proposed roadway
- Quality and quantitative measures will be in place for the building of all future sites

The County Attorney referred to correspondence mailed to the Department of Environmental Quality to invite them to attend a meeting to review storm water management issues in order to advise of best practices and protocol on how to facilitate applicant needs' in the future.

It was further advised that the Madison County Board of Supervisors does not have the oversight review of what the Department of Environmental Quality does. The County is in the process of gaining insight as to the necessary guidelines involved with storm water management, and also lacks any type of authority to override protocol that the Department of Environmental Quality has in place.

- *Chairman Jackson: Verbalized support of acting on the case after input is provided from DEQ; verbalized enthusiasm about the proposed project; also noted there are State compliance factors that must be attained*

It was further advised that the Madison County Board of Supervisors desires to work with landowners and other local entities that desire to bring new ideas to the County.

- Fay Utz, Commission members, questioned if the proposed case would be approved after discussions from DEQ are presented, and whether the Agenda will reflect any method of action.

The County Administrator advised that the Madison County Board of Supervisors have a motion **ready** to approve **after its discussion with** the Department of Environmental Quality.

- Carty Yowell, Commission Chair, advised that conditional approval following DEQ presentation may be the most advantageous process.
- *Supervisor Weakley: Questioned if a notation 'to consider approval' for the proposed case could be noted on the Agenda document for the public; also referred to discussions held within the Rapidan River Basin concerning storm water regulations and ways to provide assistance with best development tactics; questioned if the revised report was submitted to the Department of Environmental Quality for review; suggested that a summary letter be provided.*
- *Chairman Jackson: Verbalized anticipation that DEQ will work with the community as a whole (i.e. property and property owners).*

It was further suggested that the applicant provide all submitted documentation readily available at the upcoming meeting, along with sited comments on the aforementioned case.

- Pete Elliott, Commissioner member, questioned if DEQ representatives will provide input as to what measures the County needs to take, or if discussions will focus mainly on the

proposed project; also feels that the County will not receive definitive answers from the Department of Environmental Quality; also feels that the Department of Environmental Quality will require input as to the design in place and how much impervious service will be in place.

After discussion, Chairman Jackson advised that although he was in favor of taking action at tonight's session, it's anticipated that discussions will focus on all aspects of the project being proposed. It's felt that the educational component of the case will help facilitate more specifics of the issues that the proposed case presents.

- *Supervisor Hoffman: Suggested action not be undertaken tonight; feels there will be more insight to gain in waiting until the next meeting.*

It was further suggested that all items be presented to DEQ representatives for discussion and consideration.

The County Attorney referred to a concern as to whether:

- ✓ There's a process for landowners to collaborate with the Department of Environmental Quality
- ✓ What does the Department of Environmental Quality expect in terms of storm water management on property sites

And

- ✓ The challenges between urban and rural area development

The County Attorney further noted that at this time, the Madison County Board of Supervisors is seeking guidance from the Department of Environmental Quality, as guidelines in place for other states/localities may not be most suitable for Madison County. It's also hoped that the discussion will encourage the Department of Environmental Quality to work with the County.

- Carty Yowell, Commission Chair, questioned whether all revisions should be revealed during the upcoming discussion.

After discussion, Chairman Jackson suggested the applicant resubmit revised plans which haven't been reviewed by the Department of Environmental Quality.

- Mike Fisher, Commission member, encouraged the Madison County Board of Supervisors to request that the Department of Environmental Quality provide input as to what needs to be done on the part of the applicant; feels that a definitive answer will not be received at next week's session; encouraged input be attained from Virginia legislators.

Bill Gentry, applicant, requested that Case No. SP-09-18-10 be tabled until December 11, 2018. He further suggested that a letter be forwarded to the Department of Environmental Quality regarding disapproval of the proposed plans.

- Mike Mosko, Commission member, questioned (the applicant) if an administrative letter of appeal been submitted to the Department of Environmental Quality regarding their rejection of the application.

After discussion, based on the applicant's request, it was the consensus of the Board to refrain from taking action until discussions are held with representatives from the Department of Environmental Quality on December 11, 2018.

The Board also requested that all documentation pertaining to Case No. SP-09-18-10 be provided for review at the December 11, 2018 Regular Meeting session.

4. Information/Correspondence:

a. Status Report on pending Ordinance changes (current drafts, hearing dates:

- i. Seasonal or brief Ordinance:
- ii. Solar Ordinances

The County Attorney advised that advertisements have not run for the aforementioned ordinance.

Betty Grayson, Zoning Administrator, advised that advertisements will be published on December 13th and 20th. The public hearing will be scheduled for January 2, 2019.

- Fay Utz, Commissioner member, will meet with the County Attorney to ensure that all required ordinances for advertisement are in order.

b. Discussion on the Planning Commission's September 24, 2018 memo regarding updating land development ordinances: Chairman Jackson **reported that the Planning Commission has indicated that it will postpone work to improve land development ordinances until after the recodification project has been completed.**

c. Preparation for upcoming events:

i. V. R. Shackelford, III Reception (December 6'2018 - 3:00 p.m. to 6:00 p.m.):

Chairman Jackson reminded the Board members of the upcoming reception for V. R. Shackelford, III. **A program will begin** at 4:00 p.m.

ii. FEMA Floodplain Work Session (December 11, 2018 at 9:30 a.m.): The County Administrator **reminded those present** that the meeting with FEMA Floodplain representatives will be held at the administrative building. Representatives from Greene County will also be included in the informational process.

Betty Grayson, Zoning Administrator, advised that flood plain maps will be available for review; copies of the model ordinance will be provided for review; Brian Daniel, Commissioner, and Matt Aylor, E&S Technician, have done preliminary work on the number of parcels that are in a flood plain zone; about 1,257 letters will need to be mailed to property owners. It was noted that

the meeting has been advertised. Discussions are mainly being provided for County officials and public comment may not be considered.

iii. Board Discussion with DEQ Representatives (December 11'2018 at 4:00 p.m.): Chairman Jackson advised that a plan is in place for this matter.

iv. Board Discussion with Planning Commission on the Status of the Comprehensive Plan (January 2'2019): The County Administrator advised that the Madison County Planning Commission has requested that the Comprehensive Plan be discussed in January 2019.

- Mike Fisher, Commissioner member, advised that some of the goals noted in the Comprehensive Plan will warrant input from Tracey Gardner, Director of Economic Development & Tourism.

Chairman Jackson advised that he will work with Carty Yowell, Commission Chair, to assess whether a summary can be compiled in February 2019.

Carty Yowell, Commission Chair, advised that an ad hoc committee (Pete Elliott, Mike Mosko and Mike Fisher) that have been tasked to work on compiling a summary.

d. Discussion with the County Attorney on Madison County Historical Society's November 7'2018 letter requesting rights to the Criglersville 'museum house': The County Attorney advised that if the museum house becomes part of an easement, it will affect the value of the property and may discourage anyone that may be interested in doing something with the property. If a 'license' is issued, it can be revoked uncertain terms, but will diminish the value of the property. It's felt the best technique would be to assess whether any interest is brought forth and if so, initiate a negotiating process to include input from MCHS representatives. It was also noted that there is a history to the area for the County, and there are many that would desire to preserve what the MCHS is trying to do. In closing, he verbalized discomfort in suggesting the County move forward with any type of action that would devalue the property.

- Max Lacy, MCHS, noted that it's anticipated for the museum to be open by the spring of 2019, if at all possible. In closing, he noted that the MCHS doesn't want to utilize further funding until something more concrete is put into place for the property.
- *Chairman Jackson: Questioned if smaller improvements could be initiated*
- *Supervisor Hoffman: Suggested that the MCHS refrain from doing any more work until something more concrete is in place*
- Mike Fisher, Commission Member, questioned if the County will request the historical society to vacate the museum house if the property is sold.

It was also noted that the County has the option to give the historical society the building. However, it was also noted that the County desires to attain the best option for the taxpayers. Although several citizens would like to see the building remodeled, alternative measures may be more positive for the County's tax base.

- *Supervisor Weakley: Suggested the matter be resolved as soon as possible; verbalized favor of preserving certain parts of the Criglersville property for the history of the County overall (regardless what happens to the facility)*
- Pete Elliott, Commission Member, referred to the several restrictions on the building; feels it will be difficult to utilize the property for certain uses.

Discussions focused on whether the property could be subdivided with a portion being given to the historical society. **The idea of giving the 'museum house' building to the historical society while continuing with the process to either sell the land and brick school building or demolish the brick school building was discussed.**

After discussion, the County Attorney advised that he will work with Betty Grayson, Zoning Ordinance, to develop a memorandum for consideration in January 2019 to include:

- Licensure
- Easement
- Zoning and current restrictions
- Whether there is a quick pro quo for potential buyers
- Assess whether the grounds will continue to be kept in order

It was also questioned whether current issues at the property revolve around water quality and sewer issues, which may contribute the lack of interest in the property, along with the fact that it sits in a flood plain. In the event that someone is looking to convert the property into a picnic area of exhibit, this may be the best use of the property.

- *Supervisor Weakley: Suggested that storage use (for a potential buyer) also be considered.*

It was also encouraged that any potential buyers present their ideas.

The County Administrator advised that the Finance Director has requested that all Board members return any old notebooks from the past year.

Closing discussions focused on **requiring** VDOT and health department approvals **to be in hand before zoning cases are considered.**

Betty Grayson, Zoning Administrator, advised that the Site Plan Ordinance may need to be amended if the County is going to request that approval from the aforementioned entities be in place before cases are heard.

The County Attorney noted that the request does require some collaboration and suggested the Board consider the fact that regulatory issues may arise. In closing, he suggested that conditional approval would be an asset.

5. Closed Session (if necessary)

6. Adjournment. With there being no further action required, on motion of Supervisor Hoffman, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting *Aye: Jackson, Weakley, Hoffman, Foster. Nay: (0). Absent: McGhee.*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: January 2, 2019

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda

Joint Meeting

**Madison County Planning Commission &
Madison County Board of Supervisors**

Wednesday, December 5, 2018.

**County Administration Building Auditorium
414 N. Main Street, Madison, Virginia 22727**

Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

Planning Commission

Call to Order

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

- | | |
|-----------------|--|
| 42-11 | a. Case No. S-12-18-15: Request by M. Andrew Gayheart and Marvin N. Jenkins for a plat of a subdivision of land to create four (4) lots. The lots will be served by a new 50-foot-wide ingress and egress easement "A" on property identified as Tax Map 42-11. This property is located off Route 631 (off Leon Road) near Leon, zoned A-1. |
| 43-1 and 42-11A | b. Case No. S-12-18-16: Request by M. Andrew Gayheart and Marvin N. Jenkins for a plat of a subdivision of land to create three (3) lots that will be served by a |

new 50-foot-wide ingress and egress easement “B” (TM 43-1) and 42-11A (existing lot) will use easement “B” as the fourth lot. The 2.0032 acres (a portion of TM 43-1) and the 0.2085 of an acre (portion of TM 42-11) will be added to the existing parcel of Kennedy (TM 42-11A) as a boundary adjustment for a total acreage of 12.2117 acres. These properties are located off Route 631 (off Leon Road) near Leon, zoned A-1.

- 48-13 and a Portion of 48-13J c. Case No. Z-12-18-17: Request by Carlyle L. Weaver & Carlyle L. Weaver d/b/a CW Properties to amend conditional rezoning application that was approved on February 4, 2009 to Conditional Residential, R-3 with Proffer Statement attached. This property is located off Route 29 Southbound Lane on private Madison Plaza Drive and Route 660 (Courthouse Mountain Road) near Madison and contains 7.517 acres (TM 48-13 contains 3.498 acres) and (4.019 acres, portion of TM 48-13J), zoned Conditional Residential, R-3 with Proffer Statement.

4. Adjournment

Board of Supervisors

Call to Order

1. Determine Presence of a Quorum

2. Adoption of Agenda

3. Action Items:

42-11 a. Case No. S-12-18-15: Request by M. Andrew Gayheart and Marvin N. Jenkins for a plat of a subdivision.....

43-1 and 42-11A b. Case No. S-12-18-16: Request by M. Andrew Gayheart and Marvin N. Jenkins for a plat of subdivision

48-13 and a Portion of 48-13J c. Case No. Z-12-18-17: Request by Carlyle L. Weaver & Carlyle Weaver d/b/a CW Properties to amend condition rezoning application.....

Tabled on November 21'2018 by Mr. Weaver until the January 2'2019 Joint Meeting

The Madison County Board of Supervisors will hear the following case on December 5, 2018 which was tabled from their joint meeting on November 7, 2018 by the applicant. (This case was recommended for approval by the Madison County Planning Commission at their joint meeting on November 7, 2018.)

48-131 Case No. SP-09-18-10: Request by Heinz D. or Heidrun E. Wieland for a site plan and soil and erosion plan for the construction of a road. The disturbed acreage for the road construction will be 11.3 acres. This property is located off Route 29 Southbound Lane and private Madison Plaza Drive and contains 34.675 acres of land near Madison, zoned Conditional Business, B-1.

4. Information/Correspondence

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 - i. Seasonal or brief Ordinance
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b. Discussion on the Planning Commission's September 24'2018 memo regarding updating land development ordinances

c. Preparation for upcoming events:

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- ii. FEMA floodplain work session (December 11'2018 at 9:30 a.m.)
- iii. Board discussion with DEQ representatives (December 11'2018 at 4:00 p.m.)
- iv. Board discussion with Planning Commission on the status of the Comprehensive Plan (January 2'2019)

d. Discussion with the County Attorney on Madison County Historical Society's November 7'2018 letter requesting rights to the Criglersville 'museum house'

5. Closed Session (if necessary)

6. Adjournment